

Kimberly A. Reppart, WSBA #30643  
FORSBERG & UMLAUF, P.S.  
901 Fifth Avenue, Suite 1400  
Seattle, WA 98164  
Telephone: (206) 689-8500  
[kreppart@foum.law](mailto:kreppart@foum.law)  
Attorneys for Defendant

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON  
AT SPOKANE

JULIA SMITH, individually,

Plaintiff,

vs.

SAFEWAY INC., a Delaware  
Corporation doing business in  
Washington,

Defendant.

No.

DECLARATION OF KIMBERLY  
REPPART IN SUPPORT OF  
DEFENDANT'S NOTICE OF  
REMOVAL

[REMOVED FROM CHELAN  
COUNTY SUPERIOR COURT  
CAUSE NO. 21-2-00390-04]

I, Kimberly A. Reppart, solemnly declare as follows:

1. I am over eighteen (18) years of age and am competent to testify to the matters contained in this declaration. I am one of the attorneys retained to represent Defendant Safeway Inc. ("Safeway") in this matter. I submit this Declaration and

1 the attached Exhibits in support of Defendant's Notice of Removal of the Plaintiff's  
2 state court action to this Court under 28 U.S.C. §§ 1332, 1441 and 1446, et seq.

3 2. Attached hereto as **Exhibit 1** is a true and correct copy of the  
4 confirmation of service of process showing the Complaint was served upon Safeway  
5 Inc.'s registered agent on August 4, 2021. Plaintiff's Complaint confirms she is a  
6 resident of Chelan County, Washington.

7 3. Attached as **Exhibit 2** is a true and correct copy of Plaintiff's Complaint  
8 as filed in Chelan County Superior Court on July 29, 2021.

9 4. Defendant Safeway Inc. is a wholly-owned subsidiary of Albertson's  
10 Holdings, LLC. Safeway Inc. is a Delaware corporation with headquarters in  
11 Pleasanton, California. Attached as **Exhibit 3** is a printout of the Washington  
12 Secretary of State Corporations look-up page for Safeway Inc.

13 5. Attached as **Exhibit 4** is Plaintiff's Statement of Damages claiming  
14 more than \$75,000 in damages.

15 6. Defendant paid to the Clerk of the Court for the Western District of  
16 Washington in Tacoma the \$400.00 filing fee required by law.

17 I declare under penalty of perjury under the laws of the State of Washington  
18 that the foregoing is true and correct.

19 //

1 Dated this 2<sup>nd</sup> day of September, 2021 in Seattle, Washington.

2 FORSBERG & UMLAUF, P.S.

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4 \_\_\_\_\_  
5 Kimberly A. Reppart, WSBA #30643  
6 Attorney for Defendant  
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**TO:** Risk Management Group  
Safeway Inc.  
5918 Stoneridge Mall Rd  
Pleasanton, CA 94588-3229

**RE: Process Served in Washington**

**FOR:** Safeway Inc. (Domestic State: DE)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** JULIA SMITH, etc., Pltf. vs. SAFEWAY, INC., etc., Dft.  
*Name discrepancy noted.*

**DOCUMENT(S) SERVED:** --

**COURT/AGENCY:** None Specified  
Case # 2120039004

**NATURE OF ACTION:** Personal Injury - Failure to Maintain Premises in a Safe Condition

**ON WHOM PROCESS WAS SERVED:** CT Corporation System, Olympia, WA

**DATE AND HOUR OF SERVICE:** By Process Server on 08/04/2021 at 13:13

**JURISDICTION SERVED :** Washington

**APPEARANCE OR ANSWER DUE:** None Specified

**ATTORNEY(S) / SENDER(S):** None Specified

**ACTION ITEMS:** CT has retained the current log, Retain Date: 08/04/2021, Expected Purge Date: 08/09/2021

Image SOP

Email Notification, Risk Management Group RM.Claim.Support@Safeway.com

Email Notification, Michael McCue Michael.McCue@safeway.com

Email Notification, Donna Shavers donna.shavers@albertsons.com

Email Notification, Carmen Rowland Carmen.Rowland@safeway.com

**REGISTERED AGENT ADDRESS:** C T Corporation System  
711 Capitol Way S  
Suite 204  
Olympia, WA 98501  
866-203-1500  
DealTeam@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other

**Service of Process  
Transmittal**

08/04/2021

CT Log Number 540022774

**TO:** Risk Management Group  
Safeway Inc.  
5918 Stoneridge Mall Rd  
Pleasanton, CA 94588-3229

**RE: Process Served in Washington**

**FOR:** Safeway Inc. (Domestic State: DE)

advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



FILED  
JUL 29 2021  
Kim Morrison  
Chelan County Clerk

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF CHELAN

JULIA SMITH, individually,

NO.

21-2-00390-04

Plaintiff,

vs.

COMPLAINT FOR DAMAGES

SAFEWAY, INC., a Delaware  
Corporation doing business in  
Washington,

Defendant.

COMES NOW the above-named plaintiff, in the above-entitled matter, by and through  
their attorneys of record, Calbom & Schwab Law Group, PLLC, and for cause of action against  
the defendant states and alleges as follows:

I. JURISDICTION AND VENUE

1.1 JURISDICTION. This claim involves a claim for personal injuries and more  
than \$300.00 is alleged to be in controversy. Accordingly, this court has jurisdiction to hear this  
matter, pursuant to RCW 2.08.010.

1.2 VENUE. Defendant Safeway Inc. does business in Chelan County. Accordingly,  
this forum is an appropriate venue, pursuant to RCW 4.12.025.

/

COMPLAINT FOR DAMAGES

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Calbom & Schwab Law Group, PLLC  
P.O. Drawer 1429  
Moses Lake WA. 98837  
509-765-1851



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1           5.2     That as a direct and proximate result of the fall, Plaintiff Julia Smith sustained  
2 injuries which are:

3                   5.2.1     Severe;

4                   5.2.2     Permanent and disabling;

5                   5.2.3     The exact extent of which are unknown.  
6  
7

8           5.3     That as a further direct and proximate result of the fall, Plaintiff Julia Smith has  
9 suffered and will in the future continue to suffer any or all of the following:

10                   5.3.1     Pain;

11                   5.3.2     Suffering;

12                   5.3.3     Inconvenience;

13                   5.3.4     Mental anguish;

14                   5.3.5     Disability;

15                   5.3.6     Emotional Distress; and/or  
16  
17

18                   5.3.7     Other subjective nonmonetary harms and losses in a degree now  
19 unknown, but which will be proven at the time of trial.  
20

21           5.4     That Plaintiff Julia Smith has incurred past medical expenses that are:

22                   5.4.1     Reasonable & Necessary;

23                   5.4.2     For Care & Treatment;  
24  
25  
26



1 This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State  
2 of Washington.

3 DATED this 27<sup>th</sup> day of July 2021.  
4

5 Respectfully submitted:

6 CALBOM & SCHWAB LAW GROUP, PLLC

7  
8 By: 

9 G. JOE SCHWAB, WSBA #6656

10 ASHLEY GROUT, WSBA #44993

11 COURTNEY L. SOFTICH, WSBA#53573  
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## BUSINESS INFORMATION

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Business Name:

**SAFEWAY INC.**

UBI Number:

**600 643 518**

Business Type:

**FOREIGN PROFIT CORPORATION**

Business Status:

**ACTIVE**

Principal Office Street Address:

**11555 DUBLIN CANYON RD, PLEASANTON, CA, 94588-2815, UNITED STATES**

Principal Office Mailing Address:

**PO BOX 20, CORP TAX DEPT, BOISE, ID, 83726-0020, UNITED STATES**

Expiration Date:

**10/31/2021**

Jurisdiction:

**UNITED STATES, DELAWARE**

Formation/ Registration Date:

**10/15/1986**

Period of Duration:

**PERPETUAL**

Inactive Date:

Nature of Business:

**RETAIL**

## REGISTERED AGENT INFORMATION

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Registered Agent Name:

**C T CORPORATION SYSTEM**

Street Address:

**711 CAPITOL WAY S STE 204, OLYMPIA, WA, 98501-1267, UNITED STATES**

Mailing Address:

**711 CAPITOL WAY S STE 204, OLYMPIA, WA, 98501-1267, UNITED STATES**

## GOVERNORS

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Title	Governors Type	Entity Name	First Name	Last Name
GOVERNOR	INDIVIDUAL		ROBERT	DIMOND
GOVERNOR	INDIVIDUAL		JULIETTE	PRYOR
GOVERNOR	INDIVIDUAL		GREGG	MAXWELL
GOVERNOR	INDIVIDUAL		VIVEK	SANKARAN
GOVERNOR	INDIVIDUAL		GARY	MORTON





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6 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
7 IN AND FOR THE COUNTY OF CHELAN

8 JULIA SMITH, individually,

9 Plaintiff,

10 vs.

11 SAFEWAY, INC. a Delaware Corporation  
12 doing business in Washington,

13 Defendant.  
14

NO. 21-2-00390-04

PLAINTIFF'S STATEMENT  
OF DAMAGES

15 For purposes of complying with RCW 4.28.360, Plaintiff, hereby sets forth special  
16 damages and general damages in the above-entitled matter so that the defendant may advise its  
17 liability carriers of the potential damages which may be claimed and/or awarded in this case, the  
18 following Statement of Damages is provided. This Statement of Damages deals with the  
19 statutory damages as of the present time. Facts may well develop during the future progress of  
20 the case requiring amendment or change to this statement. The estimates provided in this  
21 Statement of Damages are the plaintiffs' attorney's evaluation. Plaintiffs will retain and utilize  
22 the services of trained experts deemed necessary to calculate some of the damages estimated  
23 below. A jury may decide that the loss suffered by the plaintiffs are an amount lesser or greater  
24 than the amount set forth in this statement.  
25  
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1 1. Special Damages:

2 a. Past Medical: \$72,842.76.

3 b. Future Medical: unknown at this time. Discovery has just begun, and the current  
4 status of Plaintiff's future medical needs is currently unknown. Plaintiff will  
5 supplement this response as more information becomes available.

6 c. Past wage loss and future wage loss: Plaintiff was retired at the time of the incident  
7 and therefore is not making a past or future wage loss claim.

8  
9 d. General damages: For purposes of helping Defendant's insurance company set  
10 appropriate reserves, Plaintiffs' counsel estimates general damages at approximately  
11 \$300,000.

12 Plaintiff reserves the right to amend this Statement of Damages from time to time as the  
13 facts might dictate. The ultimate decision as to what dollar value will be placed on the losses  
14 and suffering of the plaintiff and the amount owed to the plaintiff will be made by the jury who  
15 decides this case, and this statement may not later be used to limit the jury's ability to award fair  
16 compensation. The jury may decide that the debt owed to the plaintiff is a greater or lesser  
17 amount than the one set forth in this statement. *Defense counsel is hereby placed on notice that*  
18 *the trier-of-fact may award the plaintiff damages for plaintiff's harms and losses, which may*  
19 *exceed the defendant's policy limits. The defendant should be notified of this possibility and*  
20 *advised to seek counsel independent of you who has been retained for defendant by the*  
21 *defendant's insurance company.*

22  
23 //

24  
25 //

1 DATED this 10th day of August, 2021.

2 Respectfully submitted:

3 CALBOM & SCHWAB LAW GROUP, PLLC

4  
5  
6 By: 

G. JOE SCHWAB, WSBA #6656

ASHLEY GROUT, WSBA #44993

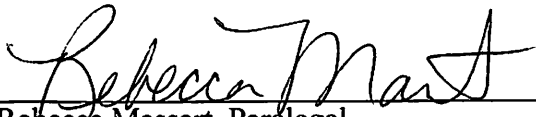
COURTNEY L. SOFTICH, WSBA#53573

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 10th day of August 2021, I caused the following affixed document to be e-mailed on all parties or their counsel of record on the date above as follows:

Kimberly A. Reppart  
Alexandra Ormsby  
Forsberg & Umlauf, P.S.  
901 Fifth Avenue, Suite 1400  
Seattle, WA 98164

  
Rebecca Massart, Paralegal  
Calbom & Schwab Law Group, PLLC